



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2495

DATE SCANNED 6-12-12

SCANNER NO. 2

SCAN OPERATOR Camp

12092680632



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 SEP 28 A 11: 54

September 28, 2011

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: *for* Alec Palmer *for*  
Staff Director

FROM: Patricia Carmona *for AC*  
Chief Compliance Officer

Debbie Chacona *for*  
Assistant Staff Director  
Reports Analysis Division

BY: *Jodi* Jodi Winship/Sari Pickeral/Ian Wandner  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 Mid-Year Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 Mid-Year Report in accordance with 2 U.S.C. 434(a). The Mid-Year Report was due on July 31, 2011.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

12092680633

12092680634

9/28/2011 9:00 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2011 MID-YEAR REPORT Not Election Sensitive 07/31/2011 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2495	C00405878	AMERICANS FOR LEGAL IMMIGRATION PAC		JANE PATTERSON	\$108,857	0	8/10/2011	10	\$108,856	\$1,910
2496	C00490433	OUR FUTURE OHIO PAC		ANNE L. MEYERS	\$3,197,070	0		Not Filed	\$3,197,070 (est)	\$12,000

12092680635

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Reason To Believe Recommendation 2011 )  
Mid Year Report for the Administrative )  
Fine Program: )  
AMERICANS FOR LEGAL ) AF# 2495  
IMMIGRATION PAC, and PATTERSON, )  
JANE MS as treasurer; )  
OUR FUTURE OHIO PAC, and ANNE L ) AF# 2496  
MEYERS as treasurer; )

**CERTIFICATION**

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 29, 2011 the Commission took the following actions on the Reason To Believe Recommendation 2011 Mid Year Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 28, 2011, on the following committees:

**AF#2495** Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS FOR LEGAL IMMIGRATION PAC, and PATTERSON, JANE MS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

**AF#2496** Decided by a vote of 6-0 to: (1) find reason to believe that OUR FUTURE OHIO PAC, and ANNE L MEYERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

Federal Election Commission  
Certification for Administrative Fines  
September 29, 2011

Page 2

the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petemen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 30, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

12092680636



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 30, 2011

Jane Patterson, in official capacity as Treasurer  
Americans for Legal Immigration PAC  
P.O. Box 30966  
Raleigh, NC 27622

C00405878  
AF#: 2495

Dear Ms. Patterson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period through June 30th, shall be filed no later than July 31st. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 10, 2011, ten (10) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 29, 2011, the FEC found that there is reason to believe ("RTB") that Americans for Legal Immigration PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31st. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,910. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,910 is due within forty (40) days of the finding, or by November 8, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$108,856  
Number of Days Late: 10  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 8, 2011. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Americans for Legal Immigration PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair



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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,910 for the 2011 Mid-Year Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by November 8, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Americans for Legal Immigration PAC

FEC ID#: C00405878

AF#: 2495

PAYMENT DUE DATE: November 8, 2011

PAYMENT AMOUNT DUE: \$1,910

12092680640

2011 NOV 14 A 11:10

# ALIPAC

Americans for Legal Immigration  
Political Action Committee  
[www.alipac.us](http://www.alipac.us)

FEC Office of Administrative Review  
999 E. Street, NW  
Washington, DC 20463

November 7, 2011

This letter is our written challenge to the reason to believe ("RTB") finding and administrative fine of \$1,910 referenced in the letter we received from the Federal Elections Commission regarding AF # 2495.

We wish to challenge the entire fine on the grounds that we used our best efforts to file in a timely manner, but were prevented from doing so by reasonably unforeseen circumstances that were truly beyond our control.

While we were unable to file within 24 hours of discovering these unforeseen circumstances, we did turn in our complete and accurate reports as rapidly as possible. We also contacted our FEC analyst, Laura Sinram, as soon as the problem was discovered and we verbally reported to her the nature of the problem and our efforts to address the problem as fast as humanly possible.

First, we would like to note that Americans for Legal Immigration PAC (FEC ID C00405878) has been registered with and reporting to the Federal Elections Commission since 2004. In those seven years, we have required very little correction or guidance from the FEC and our reports have been timely and complete. We have displayed a strong effort to comply with all FEC rules and regulations for seven years.

I believe we were late one time before, many years ago, when we faced the required transition to electronic filing and we received some letters requesting more information about our Best Efforts to locate donor information and we now submit those details with every filing.

Our mid year reports for 2011 were not filed before the deadline because our current Treasurer, Jane Patterson, wished to pursue other opportunities and CPA D Morrison of North Carolina agreed to take over as the Treasurer of ALIPAC. We will gladly provide you with D Morrison's contact information per your request if you feel that interviewing her would benefit our appeal.

We provided Ms. Morrison with all of the needed materials and access codes and I personally delivered the forms to her to file with FEC to assume the responsibilities of Treasurer.

I was told directly by Ms. Morrison that the paperwork had been filed with the FEC and when I checked behind her and found that the paperwork had not been received by FEC, she claimed a fax or communication error was to blame and assured me she would correct the problem immediately.

Paid for by Americans for Legal Immigration

AMERICANS FOR LEGAL IMMIGRATION PAC  
Post Office Box 30966, Raleigh, NC 27622-0966  
Tel: (919) 787-6009 Toll Free: (866) 703-0864  
FEC ID: C00405878

12092680641

I received numerous assurances by CPA Morrison that our specific requests for her to file forms and reports with the FEC were being handled and I did my very best to supervise her activities as it is my job to manage all activities and operations of Americans for Legal Immigration PAC. I was assured more than seven times that all appropriate reports and paperwork were being prepared and that each would be submitted before the deadlines.

Finally, on top of our reporting deadline I made the terrible discovery that CPA D Morrison had not filed the paperwork establishing herself as our official Treasurer and she had not filed the reports as she had assured me would happen on numerous occasions.

I cannot explain why Ms. Morrison misled me about our Treasurer and to date I have received no explanation despite requests. I had interviewed her extensively and even utilized some of her CPA services in advance to vet her for this position. I did not authorize her to become our Treasurer without extensive interview and trial. She is not a vendor and we have no evidence that her inaccurate reports to me regarding her handling of our FEC requirements were negligence or health related. She did not report illness, she gave no indication of negligence only assurances that all was proceeding as our organization would expect.

Jane Patterson has been very kind to step back in and handle our reports as quickly as her schedule would allow. She had to go back and be very thorough to make sure everything was accurate considering the circumstances. Since we could not ascertain D. Morrison's intentions, Jane wanted to make sure that everything was done correctly.

We hope the FEC will consider our good record of filing complete and accurate reports on time for years, the fact we did all in our power to have our reports completed on time this year and met with unforeseen circumstances, our prompt notification to the FEC of our delay and the nature of our troubles, and retract the intention to fine us \$1,910.

We would also like to point out that at the time we were ten days late, there were no pressing or active election issues and we were making no expenditures related to Federal Elections or campaigns during the reporting period. No endorsements were made and no campaign donations or independent expenditures were made. To our knowledge, no US Citizen or interested party was deprived of access to our open records for any significant period of time and no significant negative impact on the political process resulted from our unforeseen delay.

Furthermore, we would hope that the FEC would consider its role to work with and assist those organizations and campaigns like ours that are doing all in our power to satisfy the requirements of Federal Elections Law and save punitive and prohibitive fines for groups and campaigns that have poor filing records and or display disregard or negligence towards the rules.

We registered as a PAC to support our activism platform because of the way our records would be open

to inspection by all, and due to the simplicity of organizing in this way. Only a very small segment of our operations and budget are involved with Federal campaigns and elections. Our main role is in the area of communications, public education, and non election activism.

We also wish to contest the amount of the administrative fine the FEC is seeking. As you can see from our last report we had less than \$400 on hand.

Our fund raising is experiencing terrible difficulties in this economy and many similar organizations have had to shut down due to funding woes.

At the time of this letter, we do not have \$1,900 in our accounts and we are facing a temporary or permanent shut down of our operations if more funds do not come in from our supporters soon. Any fine at all, much less one for almost \$2,000 at this time could literally shut down our organization.

Certainly, the goal of the FEC should not be to prevent participation in the political process. Yet a huge fine at this time could prevent Americans for Legal Immigration PAC from being involved in the process at all.

Also, an administrative fine will be used extensively by our political opposition to also try to limit or end our participation in national politics and cause even more damage that we do not deserve.

We hear and respect the concerns and resolve of the Federal Elections Commission regarding this recent ten day delay of our midyear reports and you have our full assurance that we are seriously committed to avoiding any future delays in our reporting.

Sincerely,



William Gheen

President of Americans for Legal Immigration PAC

Cc Jane Patterson, Treasurer of ALIPAC

12092680643



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

November 15, 2011

Jane Patterson, in official capacity as Treasurer  
Americans for Legal Immigration PAC  
P.O. Box 30966  
Raleigh, NC 27622

C00405878  
AF# 2495

Dear Ms. Patterson:

On November 14, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

12092680644

2011 NOV 15 A 7:06

Date: November 14, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2495**

**Committee Name: Americans For Legal Immigration PAC**

**Committee ID#: C00405878**

**Committee Address (if different than in RTB letter): N/A**

**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report, dated September 28, 2011 and RTB  
Certification, dated September 30, 2011 (Y/N): Y**

**Attachment #: 1**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2011 Mid-Year Report Prior Notice, dated June 27, 2011.**

**-RTB Letter, dated September 30, 2011.**

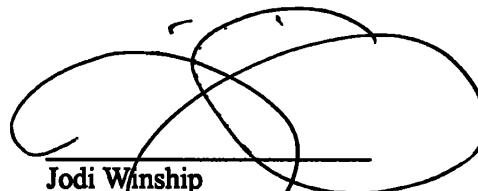
**Attachment #: 4**

**Other RAD Information: (Y/N): N**

12092680645

## DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Americans For Legal Immigration PAC:
  - A) Prior Notice, dated June 27, 2011 referencing the 2011 Mid-Year Report (sent via electronic mail to: WILLIAMG@ALIPAC.US);
  - B) Reason-to-Believe Letter, dated September 30, 2011 referencing the 2011 Mid-Year Report.
3. I hereby certify that I have searched the Commission's public records and find that Americans For Legal Immigration PAC filed the 2011 Mid-Year Report with the Commission on August 10, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 14<sup>th</sup> day of November, 2011.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



## MID-YEAR

## REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 27, 2011

## CURRENT REPORTS DUE:

## SEMI-ANNUAL FILERS

REPORT	CLOSING DATE OF REPORT <sup>1</sup>	REPORTING PERIOD	FILING DEADLINE
Mid-Year	06/30/11	07/31/11	07/31/11 <sup>2</sup>

## MONTHLY FILERS

REPORT	CLOSING DATE OF REPORT <sup>1</sup>	REPORTING PERIOD	FILING DEADLINE
July Monthly	06/30/11	07/20/11	07/20/11

[Click here for Supplemental Filing Information](#)[See Page 2 for Reporting Schedule for Remainder of 2011](#)

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup> Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.



**REPORTING SCHEDULE FOR REMAINDER OF 2011****SEMI-ANNUAL FILERS**

REPORT	CLOSE OF BOOKS <sup>1</sup>	REGISTERED & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/11	01/31/12	01/31/12

**MONTHLY FILERS**

REPORT	CLOSE OF BOOKS <sup>1</sup>	REGISTERED & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
August	07/31/11	08/20/11	08/20/11 <sup>2</sup>
September	08/31/11	09/20/11	09/20/11
October	09/30/11	10/20/11	10/20/11
November	10/31/11	11/20/11	11/20/11 <sup>2</sup>
December	11/30/11	12/20/11	12/20/11
Year-End	12/31/11	01/31/12	01/31/12

**[Click here for Supplemental Filing Information](#)**

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup> Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

## 2011 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either semi-annual or monthly reports in 2011. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to semi-annually) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$16,200 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22 and 11 CFR 110.17(e).

## 2011 REPORTING SCHEDULE

- Web Page: 2011 Reporting Dates Page
- The Record: January 2011 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2011 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: 2011 special election 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 13, 2012

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director

From: Patricia Carmona  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2495 – Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer (C00405878)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

12092680651



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 13, 2012

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2495 – Americans for Legal Immigration PAC and Jane Patterson, in her official capacity  
as Treasurer (C00405878)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$1,910 civil money penalty.

**Reason-to-Believe Background**

On September 29, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2011 Mid-Year Report and made a preliminary determination that the civil money penalty was \$1,910, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 30, 2011 to notify them of the Commission's RTB finding and civil money penalty. At their request, a copy of the letter was also faxed on October 13, 2011.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in a non-election year, a report for the period ending June 30 no later than July 31. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 31 for the Mid-Year Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). A political committee must report any changes or corrections on its Statement of Organization no later than 10 days following the date of the change. 2 U.S.C. § 433(c) and 11 C.F.R. § 102.2(a)(2).

**Respondents' Challenge**

On November 14, 2011, the Commission received the written response ("challenge") from the Committee's President, William Gheen, challenging the RTB penalty and finding on the grounds that they used their best efforts to file timely but were prevented from doing so due to unforeseen circumstances. Mr. Gheen states that D. Morrison, CPA, agreed to take over as Treasurer and was provided all of the necessary information and forms to assume the responsibility. He received numerous assurances from Ms. Morrison that their requests for her to file forms and reports were being handled and would be submitted before the deadlines. Ms.

Morrison, he discovered, had not filed paperwork disclosing herself as Treasurer, nor did she file the reports, and to date he has received no explanation despite his requests.

Mr. Gheen states that though not filed within 24 hours of discovering their unforeseen circumstances, former Treasurer Jane Patterson was kind enough to step back in and handle their reports as quickly as her schedule allowed, being very thorough to make sure everything was accurate, considering the circumstances. He points out that the Committee made no federal election or campaign related expenditures during the period, and contests the amount of the fine given that their report disclosed less than \$400 cash-on-hand.

Mr. Gheen notes that since registering with the Commission in 2004, they have required very little correction and guidance and their reports have been timely and complete, displaying a strong effort to comply with Commission rules and regulations. He requests that the Commission consider their good filing record, their effort to have all their reports completed timely this year, and their prompt notification to their Reports Analyst of their delay in filing and nature of their troubles, and retract the intention to fine them.

#### Analysis

The 2011 Mid-Year Report was filed on August 10, 2011, 10 days late.

On August 1, 2011, the day after the report was due, the Electronic Filing Office ("EFO") sent the non-filer email notification to "funds@alipac.us," the email address provided by the Committee, alerting the respondents that they did not file the Mid-Year Report. The challenge asserts that the respondents "authorized" a new Treasurer, D. Morrison, prior to the 2011 Mid-Year Report filing deadline. As manager of all activities and operations for the Committee, Mr. Gheen states that he did his best to supervise her activities. It appears, however, that it was the receipt of the EFO's email that triggered Mr. Gheen's concern, as August 2, the morning after the email was sent, Mr. Gheen called RAD regarding the Mid-Year Report. The Reports Analyst informed him that the report had not been filed and reminded him that a change in Treasurer is required to be reported to the Commission within 10 days of the change. Later that day, Mr. Gheen explained that though the Committee hired Ms. Morrison as their new Treasurer, he was having difficulty getting in touch with her. He stated that she attempted to upload the report and fax it in. The Reports Analyst advised that faxed reports were not accepted. Additionally, the EFO's response to a request for additional information pertaining to the respondents' Mid Year Report indicates that although an electronic filing password was assigned to Ms. Morrison on June 28, 2011, there were no attempts to file the report prior to its August 10 receipt date.

On August 3, 2011, Ms. Patterson called the Reports Analyst indicating that she would temporarily resume her role as Treasurer while Mr. Gheen searches for a replacement. The Reports Analyst explained that Ms. Morrison never formally established herself as Treasurer and that, as Treasurer, Ms. Patterson was legally responsible for the Committee's activities. The Analyst advised Ms. Patterson that she could submit a Miscellaneous Text Document explaining the situation, including when she resigned as Treasurer and resumed as Treasurer. To date, no such document has been received by the Commission.

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A political committee must report any change or correction to information previously disclosed on its Statement of Organization, including a change in Treasurer, no later than 10 days following the date of the change, by filing an Amended Statement of Organization. 2 U.S.C. § 433(c) and 11 C.F.R. § 102.2(a)(2). The challenge asserts, and Commission records affirm that an amended Statement of Organization was not filed to disclose Ms. Morrison as Treasurer. According to Commission records, the last Amended Statement of Organization received from the respondents prior to the Mid-Year filing deadline was received on August 12, 2008, disclosing Ms. Patterson as Treasurer. Therefore, although the challenge contends that Ms. Morrison was Treasurer when the report was due, given that she never filed a Statement of Organization with the Commission disclosing herself as such, and Ms. Patterson did not inform the Commission of her resignation, Ms. Patterson remained the Treasurer of record at the time of the Mid-Year filing deadline.

Although the challenge raises a best efforts defense, delays caused by committee contractors and unavailability of the treasurer or other staff (e.g. a hired CPA), are enumerated in 11 C.F.R. § 111.35(d) as circumstances that will not be considered reasonably unforeseen and beyond the control of the respondents. The best efforts defense, therefore, does not succeed.

With respect to the respondents' contesting the amount of the civil money penalty, there are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of the report, the number of prior violations, the number of days late, and the level of activity on the late report. The Mid-Year Report is not an election sensitive report and the respondents have no prior violations. The report was filed on August 10, 10 days late, and discloses \$51,945.69 in receipts and \$56,911.30 in disbursements, resulting in a level of activity of \$108,856.99. Therefore, using the schedule of penalties at 11 C.F.R. § 111.43(a) and the level of activity bracket of \$100,000 - \$149,999.99, the civil money penalty is  $[\$660 \times (\$125 \times 10)] \times [1 + (.25 \times 0)]$  or \$1,910, as was correctly calculated at RTB.

The other issues raised in the challenge (their prior filing record, the lack of "active election issues" at the time of the filing, the lack of election related expenditures on the report, the reason they registered as a PAC, and the effect the penalty may have on the Committee) do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Accordingly, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,910.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2495 involving the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, in making the final determination;

- (2) Make a final determination in AF# 2495 that the he Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,910; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

**Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

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**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2011 Mid-Year Report is due July 31, 2011. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 31 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
  - a) Pages 1 and 3 of the Amended Statement of Organization electronically filed by the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer. According to the Commission's records, the statement was received on August 12, 2008 and Jane Patterson is listed as Treasurer on Line 8; and
  - b) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2011 Mid-Year Report electronically filed by the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer. According to Commission records, the report covers the period from January 1 through June 30, 2011, and was received on August 10, 2011. Line 19, Column A lists \$51945.69 in total receipts for this period. Line 31, Column A lists \$56911.30 in total disbursements for this period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 13<sup>th</sup> of January, 2012.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

12092680656

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

Americans for Legal Immigration PAC

ADDRESS (number and street)

PO Box 30966

(Check if address is changed)

Raleigh

NC

27622

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

williamg@allpac.us

COMMITTEE'S WEB PAGE ADDRESS (URL)

http://www.allpac.us

COMMITTEE'S FAX NUMBER

2. DATE M M D D Y Y Y Y  
08 12 2008

3. FEC IDENTIFICATION NUMBER C C00405878

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer Ms Jane Patterson

Signature of Treasurer Electronically Filed by Ms Jane Patterson

Date M M D D Y Y Y Y  
08 12 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

**FEC FORM 1**  
(Revised 12/2007)

FE3AN042.PDF

12092680657

Write or Type Committee Name

**Americans for Legal Immigration PAC**

## 6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Leadership PAC Sponsor

Joint Fundraising Representative

## 7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name **Ms Jane Patterson**

Mailing Address

**PO Box 30966****Raleigh****NC****27622 - 0966**

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

**Treasurer**Telephone number **919 - 787 - 6009**

## 8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name  
of Treasurer **Ms Jane Patterson**

Mailing Address

**PO Box 30966****Raleigh****NC****27622 - 0966**

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

**Treasurer**Telephone number **919 - 787 - 6009**

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Americans for Legal Immigration PAC

ADDRESS (number and street)

PO Box 30966

Check if different  
than previously  
reported. (ACC)

Raleigh

NC

27622

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00405878

3. IS THIS REPORT X NEW OR AMENDED (A)

4. TYPE OF REPORT  
(Choose One)

(a) Quarterly Reports:

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)October 15  
Quarterly Report(Q3)January 31  
Quarterly Report(YE)X July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the  
State of(d) 30-Day  
Post - Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 01 01 2011 through 06 30 2011

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Ms Jane Patterson

Signature of Treasurer Electronically Filed by Ms Jane Patterson

Date 08 09 2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

**DETAILED SUMMARY PAGE  
OF RECEIPTS**

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Americans for Legal Immigration PAC

Report Covering the Period: From: <sup>M</sup>0 <sup>M</sup>1 <sup>D</sup>0 <sup>D</sup>1 <sup>Y</sup>20 <sup>Y</sup>11 To: <sup>M</sup>0 <sup>M</sup>6 <sup>D</sup>3 <sup>D</sup>0 <sup>Y</sup>20 <sup>Y</sup>11

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees	5085.00	5085.00
(i) Itemized (use Schedule A) .....		
(ii) Unitemized .....	46619.94	46619.94
(iii) TOTAL (add Lines 11(a)(i) and (ii) ..... ➤	51704.94	51704.94
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	100.00	100.00
(d) Total Contributions (add Lines 11(a)(iii), (b) and (c)) (Carry Totals to Line 33, page 5) ..... ➤	51804.94	51804.94
12. Transfers From Affiliated/Other Party Committees .....	0.00	0.00
13. All Loans Received .....	0.00	0.00
14. Loan Repayments Received .....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5) .....	140.75	140.75
16. Refunds of Contributions Made to Federal candidates and Other Political Committees .....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.) .....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3) .....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)) .....	51945.69	51945.69
20. Total Federal Receipts (subtract Line 18(c) from Line 19) .....	51945.69	51945.69

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)	0.00	0.00
(i) Federal Share.....		
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures.....	55661.30	55661.30
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b))..... ➤	55661.30	55661.30
22. Transfers to Affiliated/Other Party Committees.....	1250.00	1250.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditure (use Schedule E).....	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))..... ➤	0.00	0.00
29. Other Disbursements.....	0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share.....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds.....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	56911.30	56911.30
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	56911.30	56911.30

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		Processed through USPS Sort Facility	January 18, 2012, 8:09 pm	LINTHICUM HEIGHTS, MD 21080	

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

January 18, 2012

Jane Patterson, in official capacity as Treasurer  
Americans for Legal Immigration PAC  
P.O. Box 30966  
Raleigh, NC 27622

C00405878  
AF# 2495

Dear Ms. Patterson:

On September 29, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Americans for Legal Immigration PAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2011 Mid-Year Report. The Commission also made a preliminary determination that the civil money penalty was \$1,910 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

12092680663



# ALIPAC

## Americans for Legal Immigration Political Action Committee

FEC Office of Administrative Review  
999 E. Street, NW  
Washington, DC 20463

www.alipac.us

SECTION 101

2012 FEB 3 29

February 6, 2012

We would like to note that this letter is being faxed to and mailed to the FEC 10 days after we received your Fax of January 27, 2012 informing us that you intend to fine us \$1,900 days for our mid year reports of 2011 being 10 days late.

We never received notice at our PO Box, which is checked each week, of any letter from you there so we hope you will accept this letter as being within the 10 days notice we are supposed to have to reply. We agree that ALIPAC's 2011 mid-year reporters were filed 10 days after the deadline.

Yet we appeal and challenge this decision under provision #3 in your letter to us dated September 30, 2011 which states we may challenge on the grounds based on "demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond (our) control".

Our "Best Efforts" are clearly demonstrated by the fact that we have filed all of our reports on time for almost 8 years and have never had any significant issues with the FEC the entire time we have been in operations. Furthermore, after Jane Patterson left her post as Treasurer we interviewed and tested out Deirdre Morrison who agreed to serve as Treasurer and even signed an official document delivered to the FEC

Jeff Chumley, Manager, of Systems Analysis and Design Branch of your Information Technology Division at the FEC confirms in his memorandum to Dayna C. Brown dated January 11, 2012 that on June 16, 2011 "The EFO received by fax a Password Request letter from the committee (ALIPAC). The letter was not in the correct format and was signed by Mr. William Gheen President and Ms. Deirdre Morrison, Treasurer, Americans for Legal Immigration Pac... on (June 28, 2011) The EFO received by fax a Password Request Letter from the committee. Ms Morrison was called and assigned an electronic filing password."

The June 16 letter signed by me and Deirdre Morrison was also mailed to the FEC the day the fax was sent and should be in your records.

In this official fax and letter to the FEC I appointed Deirdre Morrison as the Treasurer of ALIPAC in my role as President of the group. Ms Morrison accepted this responsibility with her signature upon the fax and letter to you which is on ALIPAC letterhead.

The FEC accepted Deirdre Morrison as the official Treasurer of ALIPAC the moment you assigned her a password to file our reports, thus preventing Jane Patterson from filing reports if she even tried to.

Paid for by Americans for Legal Immigration

AMERICANS FOR LEGAL IMMIGRATION PAC  
Post Office Box 30966, Raleigh, NC 27622-0966  
Tel: (919) 787-6009 Toll Free: (866) 329-3999  
FEC ID: C00405878

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Your letter to us says that you will not consider the following circumstances as unforeseen "1. Negligence, 2. Delays caused by vendors or contractors, 3. Treasurer and staff illness, inexperience, or unavailability, 4. Committee computer, software failures, 5. Failure to know filing dates, 6. Failure to use filing software properly."

Ms. Deirdre Morrison, after indicating to me and the FEC with her signature on an official document and her verbal and email communications gave us every indication that the law would be obeyed and our reports would be filed on time.

After failing to file the reports at all, she has provided us with no information about the reasons for her actions or inactions.

Therefore, we have no evidence that any of the factors the FEC will not consider as unforeseen circumstances are to blame. In this case, the burden of proof should be upon the state.

If the FEC has any information or evidence proving that the responsible Treasurer Deirdre Morrison did not complete the reports for enumerated reasons 1-6, then we ask the FEC to provide us with such proof.

Otherwise, we insist that the FEC accept our claim of unforeseen circumstances and the evidence we have provided in the form of our official fax and letters, my testimony in this letter, and our past numerous and reliable displays of best efforts.

Furthermore, if the FEC insists on applying a fine over this matter please apply your fine to Deirdre C. Morrison, CPA,  
Youngsville, NC 27596

I most certainly gave my BEST EFFORT to comply with the laws as we always have and Ms. Morrison became our Treasurer before the reports in question were due, she agreed to complete the reports on time, she was given all of our access codes, and she has never responded to my written requests for information about why she failed to do what she told me she would do and what she agreed to do when she signed the letter in your possession faxed and mailed on June 16, 2011.

Please either close this case by accepting our claim of best effort and unforeseen circumstances, or prove that the delayed reports were caused by a reason that would disqualify that claim. If you do make a final determination of a fine, please apply it where it belongs to Deirdre Morrison.

I swear and affirm this to be true to the best of my knowledge,

  
William Gheen



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 27, 2012

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director

From: Patricia Carmona  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2495 – Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer (C00405878)

On September 29, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2011 Mid-Year Report and also made a preliminary determination that the civil money penalty was \$1,910 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 14, 2011, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated January 13, 2012 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$1,910 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On February 6, 2012, the Commission received the written response from the Committee's President, William Gheen, who states that they never received the ROR at the P.O. Box. The ROR was sent, via Express Mail, to the respondents' P.O. Box address of record on

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January 18. Upon checking the track and confirm information for the package, the Reviewing Officer discovered that the package had not yet been picked up by the respondents and called to inform them of this on January 27. The ROR was successfully faxed to the respondents on this day, and the Express Mail package was subsequently returned to the Commission as "unclaimed" by the Committee.

Mr. Gheen's response reiterates their desire to challenge on the grounds that they demonstrated best efforts to file in a timely manner but were prevented from doing so due to unforeseen circumstances beyond their control. Specifically, Mr. Gheen notes that when Jane Patterson left her position as Treasurer, Deirdre Morrison was vetted and agreed to serve as the Committee's Treasurer. Mr. Gheen references the June 16, 2011 Password Request letter, which he states was both faxed and mailed to the Commission. The letter, he contends, was the official document in which he appointed Ms. Morrison Treasurer and with her signature, she accepted said responsibility. Mr. Gheen further contends that the Commission accepted Ms. Morrison as Treasurer when an electronic filing password was assigned to her.

In his February 24, 2012 supplemental response, the Commission's Information Technology Division (ITD) Manager provides a copy of the Electronic Filing Office's (EFO) password assignment procedures as found on the Commission's website. The Statement of Organization serves as the official designation of the Treasurer. 11 C.F.R. § 102.2(a)(1). Therefore, pursuant to 11 C.F.R. § 102.2(a)(2) the EFO's procedures note that when a committee appoints a new treasurer, it must file an amended Statement of Organization (i.e. Form 1) to disclose this change. The procedures specify that the new treasurer must first request an electronic filing password in order to electronically file the amended Statement of Organization disclosing themselves as the new treasurer.

The ITD Manager provides a copy of the June 16 letter referenced by Mr. Gheen, in which Mr. Gheen states that the EFO, "informed me today we will need this new password to file a new 'form 1' establishing Deirdre as our new Treasurer." Mr. Gheen's letter confirms that he was advised and aware that, pursuant to Commission regulations and the EFO's password assignment procedures, an amended Statement of Organization was required to be electronically filed by Deirdre Morrison in order to formally establish her as the Committee's new Treasurer, and that an electronic filing password would be needed to do so. While Ms. Morrison requested the electronic filing password, to-date, she has not filed a Statement of Organization declaring herself the Committee's Treasurer, nor did she ever file any reports on behalf of the Committee. Therefore, to the extent that Ms. Morrison did not declare herself Treasurer of the Committee, she was, according to Mr. Gheen, a CPA hired to complete the Committee's reports on time and did not do so. The respondents' best efforts defense does not succeed, as delays caused by committee contractors and unavailability of the treasurer or other staff (e.g. a hired CPA) are enumerated in 11 C.F.R. § 111.35(d) as circumstances that will not be considered reasonably unforeseen and beyond the control of the respondents.

Regarding Mr. Gheen's request that any final determination be made against Ms. Morrison, as discussed in the ROR, given that she never filed a Statement of Organization with the Commission disclosing herself as Treasurer, and Jane Patterson did not inform the Commission of her resignation, Ms. Patterson remained the Treasurer of record at the time of the

Mid-Year filing deadline, and to-date. Therefore, she and the Committee are the respondents in this matter.

The Reviewing Officer, therefore, continues to recommend that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,910.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2495 involving the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2495 that the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,910; and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 2495  
Americans for Legal Immigration PAC )  
and Jane Patterson, in her official )  
capacity as Treasurer (C00405878) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 05, 2012, the Commission decided by a vote of 6-0 to take the following actions in AF 2495:

1. Adopt the Reviewing Officer recommendation for AF# 2495 involving Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2495 that the Americans for Legal Immigration PAC and Jane Patterson, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,910.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 5, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 2012

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jane Patterson, in official capacity as Treasurer  
Americans for Legal Immigration PAC  
P.O. Box 30966  
Raleigh, NC 27622

C00405878  
AF# 2495

Dear Ms. Patterson:

On September 29, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Americans for Legal Immigration PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2011 Mid-Year Report. By letter dated September 30, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,910 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 14, 2011, the Office of Administrative Review received your written response, challenging the RTB penalty and finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Americans for Legal Immigration PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,910 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on January 18, 2012.

On February 6, 2012, the Commission received your response. On April 5, 2012, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Americans for Legal Immigration PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,910. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

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which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

#### **If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services, and 30% on debts over two years old. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA").

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

#### **If You Choose To Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

Attachment



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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,910 for 2011 Mid-Year Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Americans for Legal Immigration PAC

FEC ID#: C00405878

AF#: 2495

PAYMENT AMOUNT DUE: \$1,910

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000191000 BA# 1 05-07-12 20 4



ACCOUNT: C00405878		PLEASE POST THIS PAYMENT FOR OUR MUTUAL CUSTOMER		\$1,910.00
AMERICANS FOR LEGAL IMMIGRATION PAC PO BOX 9058 RALEIGH, NC 27603-0958		Please Direct Any Questions To: Online Bill Payment Processing Center (800) 243-2588		112/531 0000975012
		BRANCH BANKING & TRUST COMPANY		May 02, 2012
Pay ONE THOUSAND NINE HUNDRED TEN AND 00/100				DOLLARS
				\$ 1,910.00
To The Order Of	>BL450 2014118 001 000005 00001/00001 FEDERAL ELECTION COMMISSION PO BOX 979058 SAINT LOUIS, MO 63197-9000		Void After 180 DAYS Signature On File This check has been authorized by your depositor	